

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**: CIVIL NO: C-1-00-719
: JUDGE WEBBER
: MAGISTRATE JUDGE HOGAN**

TRAN H. NGAN,

Defendant.

**PLAINTIFF'S REQUEST TO QUASH
ORDER TO SHOW CAUSE WITH MEMORANDUM OF SUPPORT**

Plaintiff, United States of America, respectfully moves this Honorable Court to quash the Order to Show Cause filed on March 18, 2005 in the above captioned case.

The grounds for said motion are more fully set forth in the accompanying Memorandum of Support.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

s/ Deborah F. Sanders

DEBORAH F. SANDERS (0043575)
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MEMORANDUM IN SUPPORT

On June 16, 2004, Plaintiff mailed to the Postmaster a Address Information Request to verify that Defendant's address was 9716 Stonemasters Drive, Loveland, Ohio 45140. The request was processed on June 22, 2004 and it was indicated on the request that the aforementioned address was the address the Defendant's mail was delivered to. A copy of the Address Information Request is attached as "Exhibit A".

On January 3, 2005, Plaintiff filed a Motion for Judgment Debtor Examination (Docket Entry # 16) and served a copy, by first class mail, to the Defendant at the aforementioned address.

On January 4, 2005, an Order was issued by the Court granting the Motion for Judgment Debtor Exam (Docket Entry # 17). The Order was mailed to the Defendant's aforementioned address on January 7, 2005. A copy of the Certificate of Mailing is attached as "Exhibit B".

Neither the Motion for Judgment Debtor Examination nor the Order granting the Motion were returned by the United States Postal Service as undeliverable.

On March 16, 2005 Plaintiff filed a Motion for Order to Show Cause with Memorandum of Support (Docket Entry # 18) and mailed the Motion to the Defendant at the Defendant's aforementioned address. The Motion was returned by the U.S. Postal Service as "Return to Sender - Not Deliverable as Addressed - Unable to Forward". A copy of the envelope containing the Motion is attached as "Exhibit C".

Since it appears that the Defendant is no longer receiving mail at the aforementioned address Plaintiff can not effectively serve Defendant. Therefore, it is respectfully requested that the March 18, 2005 Order to Show Cause against Tran H. Ngan be quashed.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

s/ Deborah F. Sanders

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